

REMARKS

Claims in the case are 1-3 and 5, upon entry of this amendment. Claim 1 has been amended, no claims have been added, and Claim 4 has been cancelled without prejudice herein.

Claim 1 has been amended herein to render component-(c) necessarily present in the cellulose ether blend, and to move the subject matter of Claim 4 into component-(c) thereof. Accordingly, Claim 4 has been cancelled without prejudice herein.

The specification stands objected to with regard to the title. The specification and the abstract have been amended herein to replace the title with --CELLULOSE ETHER BLENDS--. A new abstract is included herewith. In light of the amendments herein and the preceding remarks, Applicants' title is deemed to be sufficiently descriptive of their claimed invention. Reconsideration and withdrawal of the present objection is respectfully requested.

Claims 1-5 stand rejected under 35 U.S.C. § 112, second paragraph. This rejection is respectfully traversed with regard to the amendments herein and the following remarks.

Claim 1 has been amended herein to clearly recite the comparative cellulose ether blend (of the terminal wherein clause thereof) as being a "blend comprising components (a), (b), (c) and (d) in amounts equivalent to said cellulose ether blend." As such, the comparative cellulose ether is deemed to be sufficiently quantified.

Claim 1 has also been amended herein to replace "(a)-(d)" with --(a), (b), (c) and (d)--.

In light of the amendments herein and the preceding remarks, Applicants' claims are deemed to particularly point out and distinctly claim the subject matter which they regard as their invention. Reconsideration and withdrawal of the present rejection is respectfully requested.

Claims 1-5 stand provisionally rejected under the judicially derived doctrine of obviousness-type double patenting over Claims 1-14 of copending and commonly

assigned United States Patent Application Serial No. 09/785,905 (Attorney Docket No. Mo-6021) (United States Patent Application Publication No. US 2001/0025101, hereinafter, **Schlesiger et al**). This rejection is respectfully traversed with regard to the amendments herein and the following remarks.

Schlesiger et al does not claim a cellulose ether blend that includes from 0.05 to 1% by weight of polyacrylamide, based on the dry cellulose ether, in which the polyacrylamide is an anionic polyacrylamide having a sodium acrylate content of less than 20% by weight and a viscosity of less than 1000 mPas (as determined under conditions of 1% strength by weight in 10% strength by weight sodium chloride solution, at a temperature of 25°C).

In light of the amendments herein and the preceding remarks, Applicants' claims are deemed to be non-obvious and patentable over Schlesiger et al. Reconsideration and withdrawal of the present rejection is respectfully requested.

Claims 1-5 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Schlesiger et al. This rejection is respectfully traversed with regard to the amendments herein and the following remarks.

Schlesiger et al does not disclose, teach or suggest a cellulose ether blend that includes from 0.05 to 1% by weight of polyacrylamide, based on the dry cellulose ether, in which the polyacrylamide is an anionic polyacrylamide having a sodium acrylate content of less than 20% by weight and a viscosity of less than 1000 mPas (as determined under conditions of 1% strength by weight in 10% strength by weight sodium chloride solution, at a temperature of 25°C).

In light of the amendments herein and the preceding remarks, Applicants' claims are deemed to be unanticipated by and patentable over Schlesiger et al. Reconsideration and withdrawal of the present rejection is respectfully requested.

Claims 1-5 stand rejected under 35 U.S.C. § 102(a) as being anticipated by, or in the alternative, under 35 U.S.C. § 103(a) as being obvious over United States Patent No. 6,943,247 B2 (**Kiesewetter et al**). This rejection is respectfully traversed in light of the amendments herein and the following remarks.

Kiesewetter et al does not disclose, teach or suggest a cellulose ether blend that includes from 0.05 to 1% by weight of polyacrylamide, based on the dry cellulose ether, in which the polyacrylamide is an anionic polyacrylamide having a

CH-7992

sodium acrylate content of less than 20% by weight and a viscosity of less than 1000 mPas (as determined under conditions of 1% strength by weight in 10% strength by weight sodium chloride solution, at a temperature of 25°C).

In light of the amendments herein and the preceding remarks, Applicants' claims are deemed to be unanticipated by, and unobvious and patentable over Kiesewetter et al. Reconsideration and withdrawal of the present rejection is respectfully requested.

Claims 1-5 stand rejected under 35 U.S.C. § 102(b) as being anticipated by United States Patent No. 5,387,626 (**Böhme-Kovac et al**). This rejection is respectfully traversed with regard to the amendments herein and the following remarks.

Böhme-Kovac et al does not disclose, teach or suggest a cellulose ether blend that includes from 0.05 to 1% by weight of polyacrylamide, based on the dry cellulose ether, in which the polyacrylamide is an anionic polyacrylamide having a sodium acrylate content of less than 20% by weight and a viscosity of less than 1000 mPas (as determined under conditions of 1% strength by weight in 10% strength by weight sodium chloride solution, at a temperature of 25°C).

In light of the amendments herein and the preceding remarks, Applicants' claims are deemed to be unanticipated by and patentable over Böhme-Kovac et al. Reconsideration and withdrawal of the present rejection is respectfully requested.

Claims 1-5 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Böhme-Kovac et al in view of United States Patent Application Publication No. US 2004/0106729 A1 (**Girg '729**), or United States Patent No. 5,432,215 (**Girg '215**), or United States Patent Application Publication No. US 2005/0282939 (**Weber et al**). This rejection is respectfully traversed with regard to the amendments herein and the following remarks.

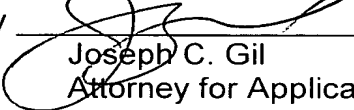
Böhme-Kovac et al, Girg '729, Girg '215 and Weber et al, either alone or in combination, do not disclose, teach or suggest a cellulose ether blend that includes from 0.05 to 1% by weight of polyacrylamide, based on the dry cellulose ether, in which the polyacrylamide is an anionic polyacrylamide having a sodium acrylate

content of less than 20% by weight and a viscosity of less than 1000 mPas (as determined under conditions of 1% strength by weight in 10% strength by weight sodium chloride solution, at a temperature of 25°C).

In light of the amendments herein and the preceding remarks, Applicants' claims are deemed to be unobvious and patentable over Böhme-Kovac et al in view of Girg '729, or Girg '215, or Weber et al. Reconsideration and withdrawal of the present rejection is respectfully requested.

In light of the amendments herein and the preceding remarks, Applicants' presently pending claims are deemed to meet all the requirements of 35 U.S.C. §112, and to define an invention that is unanticipated, unobvious and hence, patentable. Reconsideration of the rejections and allowance of all of the presently pending claims is respectfully requested.

Respectfully submitted,

By 
Joseph C. Gil
Attorney for Applicants
Reg. No. 26,602

Bayer MaterialScience LLC
100 Bayer Road
Pittsburgh, Pennsylvania 15205-9741
(412) 777-3808
FACSIMILE PHONE NUMBER:
(412) 777-3902
s:\shared\kgb\jrf505am